

From: "Knudsen, Laura" <Knudsen.Laura@epa.gov>  
To: "Morrison, Kay" <morrison.kay@epa.gov>  
"Croxton, David" <Croxton.David@epa.gov>  
CC: "Chung, Angela" <Chung.Angela@epa.gov>  
Date: 8/7/2018 10:18:51 AM  
Subject: RE: CIC support

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Hi Kay!

A more detailed outline of this request (including timeline) below  
[REDACTED] Thank you and looking forward to seeing you tomorrow!

From: Knudsen, Laura  
Sent: Monday, August 6, 2018 12:10 PM  
To: Croxton, David <Croxton.David@epa.gov>; Morrison, Kay <morrison.kay@epa.gov>  
Cc: Chung, Angela <Chung.Angela@epa.gov>; Hodgkiss, Miranda <Hodgkiss.Miranda@epa.gov>  
Subject: Summary of Additional Information | | CI Support for Deschutes River TMDL RE: CIC support

Good morning, Dave! Thank you so much for your note and it was great to chat with you over the phone this morning.

I thought it would be good to go ahead and summarize the additional notes I took from our conversation this morning (please feel free to correct/add!). I know that Kay will be following up with you after she returns to the office this week once she has had a chance to process this request & assess our unit's workload capacity.

- **Urgency:** It is fine to wait until Kay Morrison returns to the office on Wednesday, August 8<sup>th</sup> to get back to Dave with a response on if/how PACE can support this work.
- **High-Level Overview:**
  - EPA will be issuing a Total Maximum Daily Load (TMDL) for the Deschutes River in SW Washington.
  - This is unusual because the State is supposed to have this responsibility.
  - However, EPA partially disapproved Ecology's TMDL, so that statute mandates that EPA must replace the TMDL.
  - There is a lot of community interest primarily because the work has bearings on the future of Capitol Lake, which serves as a reflecting lake for the Capitol building and has a lot of lake owners around it. There are also important issues around stormwater and impacts to local government jurisdictions there and plans for a tribal fish hatchery.
- **Key Players:**
  - EPA: Miranda Hodgkiss is the lead EPA staff person on this project. If PACE can provide support, the PACE point person would be working primarily with Miranda with some support/advice from Dave Croxton.
  - WA State Department of Ecology: There is no CI point of contact with WA DOE right now. [REDACTED]
- **\*\*Request for support from Dave\*\*:**
  - Have PACE point of contact help Miranda/Dave think through & ideally support (on-site) the following items:

- Under law (please see 'Resources' below for exact wording and citations) if EPA is issuing our own TMDL we must (1) publish a public notice and (2) have a public comment period

- **FOIA exemption (b)(5)**

[REDACTED]

- **FOIA exemption (b)(5)**

[REDACTED]

- Current Status: Miranda and Dave are working on the timeline now. They are already started to receive some inquiries both from the general public and the jurisdictions that are down there. This is Lacey/Tumwater area. **FOIA exemption (b)(5)**

[REDACTED]

- Resources:

- Relevant Section of the [Code of Federal Regulations](#) (40 C.F.R. §130.7(d)(2))

(2) The Regional Administrator shall either approve or disapprove such listing and loadings not later than 30 days after the date of submission. The Regional Administrator shall approve a list developed under §130.7(b) that is submitted after the effective date of this rule only if it meets the requirements of §130.7(b). If the Regional Administrator approves such listing and loadings, the State shall incorporate them into its current WQM plan. If the Regional Administrator disapproves such listing and loadings, he shall, not later than 30 days after the date of such disapproval, identify such waters in such State and establish such loads for such waters as determined necessary to implement applicable WQS. The Regional Administrator shall promptly issue a public notice seeking comment on such listing and loadings. After considering public comment and

making any revisions he deems appropriate, the Regional Administrator shall transmit the listing and loads to the State, which shall incorporate them into its current WQM plan.

- Relevant Sections of [Clean Water Act](#):

- Section 102 p. 4 of 234

(e) **Public** participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State under this Act shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes.

- Section 303(D), p. 105 of 234

(D) Each State shall estimate for the waters identified in paragraph (1)(D) of this subsection the total maximum daily thermal load required to assure protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife. Such estimates shall take into account the normal water temperatures, flow rates, seasonal variations, existing sources of heat input, and the dissipative capacity of the identified waters or parts thereof. Such estimates shall include a calculation of the maximum heat input that can be made into each such part and shall include a margin of safety which takes into account any lack of knowledge concerning the development of thermal water quality criteria for such protection and propagation in the identified waters or parts thereof.

(2) Each State shall submit to the Administrator from time to time, with the first such submission not later than one hundred and eighty days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), for his approval the waters identified and the loads established under paragraphs (1)(A), (1)(B), (1)(C), and (1)(D) of this subsection. The Administrator shall either approve or disapprove such identification and load not later than thirty days after the date of submission. If the Administrator approves such identification and load, such State shall incorporate them into its current plan under subsection (e) of this section. If the Administrator disapproves such identification and load, he shall not later than thirty days after the date of such disapproval identify such waters in such State and establish such loads for such waters as he determines necessary to implement the water quality standards applicable to such waters and upon such identification and establishment the State shall incorporate them into its current plan under subsection (e) of this section.

- Washington State Department of Ecology website on Total Maximum Daily Load process: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Total-Maximum-Daily-Load-process>

Washington State Department of Ecology's webpage on the Deschutes TMDL: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Total-Maximum-Daily-Load-process/Directory-of-improvement-projects/Deschutes-River-and-tributaries>

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Laura Knudsen  
U.S. Environmental Protection Agency | Region 10  
206-553-1838 | [knudsen.laura@epa.gov](mailto:knudsen.laura@epa.gov)

"Be kind whenever possible. It is always possible."  
~Dalai Lama

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**From:** Morrison, Kay  
**Sent:** Tuesday, August 07, 2018 9:48 AM  
**To:** Croxton, David <[Croxton.David@epa.gov](mailto:Croxton.David@epa.gov)>  
**Cc:** Knudsen, Laura <[Knudsen.Laura@epa.gov](mailto:Knudsen.Laura@epa.gov)>; Chung, Angela <[Chung.Angela@epa.gov](mailto:Chung.Angela@epa.gov)>  
**Subject:** Re: CIC support

Good morning Dave. What's your timeline for this project? We'll do our best to support you.

Sent from my iPhone

On Aug 6, 2018, at 10:17 AM, Croxton, David <[Croxton.David@epa.gov](mailto:Croxton.David@epa.gov)> wrote:

Hi Kay and Laura,  
OWW is in need of a CIC to provide support on a Total Maximum Daily Load that EPA has to issue for the Deschutes River in SW Washington. EPA is in the unusual position of having to produce the TMDL because we partially disapproved Ecology's TMDL. There is a lot of community interest primarily because the work has bearings on the future of Capitol Lake, which serves as a reflecting lake for the Capitol building and has

a lot of lake owners around it. There are also important issues around stormwater and impacts to local government jurisdictions there and plans for a tribal fish hatchery.

Thanks for your consideration,

Dave Croxton, Manager  
Watershed Unit  
X6694